REMARKS/ARGUMENTS

Claims 1-8, 17-30, 33, and 34 are pending in the instant application. Claims 1 and 6 have been amended in order to expedite prosecution. Claims 2-5, 7, 17-20, 27-30, 33 and 34 have been cancelled. The language from page 5 lines 13-14 of the specification has been incorporated into claim 1 and the language in claim 6 has been revised in accordance with amended claim 1. No new matter has been added to amended claims1 and 6 or any other claim disclosed herein.

Claims

It is noted that any claim being cancelled must be indicated as "cancelled" without presenting the text of the claim. Applicant has taken this point into account in the enclosed claim set.

35 USC 103 rejection

Claims 1, 5-8 and 17-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Edwards et al (WO02/067761) in view of Weinstock et al. (WO00/78145A1). This rejection is respectfully traversed.

Claim 1 has been amended so as to specify that the synthetic MSRA antagonist is of Formula II and that the imaging moiety is present at one of R^2, R^8 and R^{12}, wherein each of R^2, R^8 and R^{12} is a halogen. Edwards provides compounds for *in vivo* imaging atherosclerosis and vulnerable plaque that comprise an MSRA antagonist linked to a metal chelate, where the metal chelate comprises a metal that is an *in vivo* imaging moiety.

Weinstock provides MSRA antagonists that are sulphonamido benzamide compounds for use in treatment of cardiovascular disease. The teachings of Edwards do not include any suggestion that the *in vivo* imaging moiety should be a halogen. Therefore attaching the imaging moiety of Edwards is attached to the sulphonamidobenzamide of Weinstock does not lead to an *in vivo* imaging moiety of Formula II wherein the *in vivo* imaging moiety is a halogen. Furthermore, there is no teaching, disclosure, or suggestion in Weinstock relating to *in vivo* imaging, and consequently no teaching, disclosure, or suggestion to label the sulfonamidobenzamide compounds disclosed therein at any particular location with an imaging moiety. The combined teachings of Edwards and Weinstock therefore do not specifically lead to the imaging agent encompassed by claim 1.

It is well settled that a reference must be considered not just for what it expressly teaches, but also for what it fairly suggests to one who is unaware of the claimed invention. *In re Baird*, 16 F.3d 380, (Fed. Cir. 1994).

The obviousness rejection of claims 1, 5-8, and 17-30 should therefore be withdrawn.

Claim Objections

Claim 1 is objected to because the limitations of R^1, R^{4-6}, R^{9-11}, R^{13} and R^{14} are not defined. Currently amended claim 1 defines every R group and therefore this objection has been addressed.

Claim 5 is objected to because it depends on cancelled claim 3. Claim 5 is presently cancelled such that this objection is no longer applicable.

35 USC 112 Rejection

Claims 1, 5-8 and 17-30 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically the examiner notes that it is unclear as to what substituents are acceptable for the limitations R^1, R^{4-6}, R^{9-11}, R^{13} and R^{14}. Claims 5, 7, 8, 17-20, 27-30 are presently cancelled thereby overcoming the rejection for these claims. Claims 6, and 21-26 are all dependent upon claim 1 and claim 1 defines the limitations of R^1, R^{4-6}, R^{9-11}, R^{13} and R^{14}. Consequently, applicant submits that the rejection has been overcome.

Conclusion

In view of the amendments and remarks, hereinabove, Applicants respectfully submit that the instant application, including claims 1, 6, and 21-26 are pending in the instant application, are patentably distinct over the prior art. Favorable action thereon is respectfully requested.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

/Craig Bohlken/
Craig Bohlken
Reg. No. 52,628

GE Healthcare, Inc.
101 Carnegie Center
Princeton, NJ 08540
Phone (609) 514-6530